IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

WP(C).No. 11103 of 2007(V)

PETITIONER:

P.R.SREEHARI, AGED 44 YEARS,
S/O.THONIPPALLATH HOUSE, EAST KAUNGALLUR,
ALUVA.

BY ADV. SRI.N.K.MOHANLAL

RESPONDENTS:
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1. BRANCH MANAGER,
ERNAKULAM DISTRICT, CO-OPERATIVE BANK,
PALACE BRANCH, ALUVA.

2. PRESIDENT,
ERNAKULAM DISTRICT CO-OPERATIVE BANK,
HEAD OFFICE, KAKKANAD.

3. JOINT REGISTRAR,
CO-OPERATIVE SOCIETIES,
ERNAKULAM.

R1 & R2 BY ADV. SRI.P.V.SURENDRANATH
R3 BY SMT.A.G.ANITHA,SPL.G.P,CO-OPERATION

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 11103 OF 2007 V

Dated this the 19th September, 2007

JUDGMENT

The prayers in the Writ Petition are as follows:

> *"i. Declare that petitioner has fully and finally settled his loan arrears in loan Account No. Decree No.140 and closed the same in the Palace Branch of District Co-operative Bank at Aluva.*
>
> *ii. Issue a writ of mandamus or any other appropriate writ or order directing the respondents 1 and 3 to refund the excess amount of alleged loan arrears collected from petitioner against the direction in Ext.P1 Circular with 18% interest to petitioner."*

2. I heard the learned counsel appearing for the petitioner and also the learned standing counsel appearing on behalf of the respondent Bank. Learned counsel for the respondent Bank submits that this is a case where the petitioner has a remedy under Section 69 of the Kerala Co-operative Societies Act. No doubt, learned counsel for the petitioner would submit that this is a case where Ext.P1 Circular is issued under Section 66A of the Act and in terms of the Circular, the petitioner is entitled to

relief.

3. I would think that in this case I should relegate the petitioner to the pursuit of the remedy under Section 69 of the Act, as I think it is more appropriate, having regard to the nature of the relief sought. In such circumstances, I relegate the petitioner to pursue the remedy under Section 69 of the Act. If the petitioner files a petition under Section 69, the Authority will consider the matter and take a decision thereon in accordance with law with full opportunity to the parties, within a period of three months from the date of institution of the proceedings. The interim order passed on 10.4.2007 will continue for a period of three weeks from today. Thereafter, it is for the petitioner to seek relief from the Authority under Section 69 of the Act.

K. M. JOSEPH, JUDGE

kbk.